

## **REMARKS**

In this Response, claims 24, 31 and 37 are amended, and new claims 39 and 40 are added. No new matter is introduced by the amendments. Accordingly, claims 24-29 and 31-40 are pending in the present application. Applicant respectfully requests reconsideration of the application in view of the above amendments and remarks made herein.

### **I. Rejections Under 35 U.S.C. § 102**

Claims 24-27, 31 and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,973,723, issued to *DeLuca* (hereinafter "*DeLuca*"), for the reasons set forth on pages 4-8 of the Final Office Action.

With respect to amended claim 24, Applicant respectfully submits that *DeLuca* does not teach or suggest "determining recommencement of a desirable program section within said program sequence being transmitted, said determination comprising automatically comparing said program sequence while being transmitted with a plurality of stored desirable program sections of said program sequence, said stored desirable program sections corresponding to program sections having been transmitted prior to said undesirable program section".

A transmitted program sequence may include undesirable and desirable program sections. In an exemplary embodiment of the present invention, recommencement of a desirable program section within the program sequence being transmitted can be determined by comparison of the program sequence while being transmitted with stored desirable program sections, the stored desirable program sections having been transmitted prior to the undesirable program section.

*DeLuca* (col. 2, line 61 – col. 3, line 3) discloses that the occurrence of an undesirable commercial can be detected by comparing a video signal with undesirable program segments stored in memory. *DeLuca* (col. 3, lines 3-29) discloses that in response to a detect signal, presentation of the undesirable commercial is terminated and an alternate program is substituted, and after a predetermined delay a return signal is generated to return to the originally established program.

That is, *DeLuca* merely takes advantage of the fact that commercials have a predetermined duration. Applicant respectfully submits that *generating a return signal based on the predetermined duration of the commercial* does not teach or suggest determining recommencement of a desirable program section within a program sequence by comparison of the program sequence while being transmitted with a plurality of stored desirable program sections.

Accordingly, *DeLuca* does not teach or suggest "determining recommencement of a desirable program section within said program sequence being transmitted, said determination comprising automatically comparing said program sequence while being transmitted with a plurality of stored desirable program sections of said program sequence, said stored desirable program sections corresponding to program sections having been transmitted prior to said undesirable program section", as recited in claim 24.

Therefore, for at least the above reasons, *DeLuca* does not anticipate claim 24. Moreover, Applicant respectfully submits that inasmuch as claims 25-27, 31 and 38 are dependent on claim 24, and claim 24 is patentable over *DeLuca*, claims 25-27, 31 and 38 are patentable as dependent on a patentable independent claim.

Withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

## **II. Rejections Under 35 U.S.C. § 103**

Claims 28, 29 and 34-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeLuca* in view of U.S. Patent No. 6,698,020, issued to *Zigmond et al.* (hereinafter "*Zigmond*"), for the reasons set forth on pages 8-10 of the Final Office Action. Claims 32, 33 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeLuca* in view of *Zigmond* and further in view of U.S. Patent No. 6,483,987, issued to *Goldschmidt Iki et al.* (hereinafter "*Goldschmidt*"), for the reasons set forth on pages 10-12 of the Final Office Action. Claim 37 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeLuca* in view of *Goldschmidt* for the reasons set forth on pages 12-13 of the Final Office Action. Applicant incorporates by

reference the arguments made above in connection with the rejections under 35 U.S.C. § 102(e).

Applicant respectfully submits that neither *Zigmond* nor *Goldschmidt*, alone or in combination, teach or suggest "determining recommencement of a desirable program section within said program sequence being transmitted, said determination comprising automatically comparing said program sequence while being transmitted with a plurality of stored desirable program sections of said program sequence, said stored desirable program sections corresponding to program sections having been transmitted prior to said undesirable program section", as recited in claim 24.

*Zigmond* discloses techniques for the insertion of advertisements into a video programming stream. *Zigmond* (col. 15, lines 24-25; col. 16, lines 46-48) discloses that when a switching decision unit (88) identifies a triggering signal, it prompts a video switch (90) to interrupt display of a transmitted video program and to insert in its place a selected advertisement from an advertisement repository (86). In *Zigmond* (col. 4, lines 41-45), the triggering event to indicate when to display the selected advertisement is a signal carried in the video programming feed, implied by the timewise structure by the video feed, or based on information contained in an electronic program guide.

Applicant submits that *identifying a triggering signal to indicate when to display a selected advertisement* does not teach or suggest determining recommencement of a desirable program section within a program sequence by comparison of the program sequence while being transmitted with a plurality of stored desirable program sections of the program sequence. Therefore, *Zigmond* fails to cure the deficiencies in *DeLuca*.

*Goldschmidt* (col. 5, lines 45-65) discloses that a broadcast data analyzer (330) monitors broadcast data for commercial and program indicators, wherein a commercial indicator is a message in the vertical blanking interval, a fade to back, or an increase in the volume signal. Applicant submits that monitoring broadcast data for commercial and program indicators does not teach or suggest "determining recommencement of a desirable program section within said program sequence being transmitted, said determination comprising automatically comparing said program sequence while being transmitted with a plurality of stored desirable program sections of said program

sequence, said stored desirable program sections corresponding to program sections having been transmitted prior to said undesirable program section", as recited in claim 24. Thus, *Goldschmidt* fails to cure the deficiencies in *DeLuca* and *Zigmond*.

Therefore, for at least the above reasons, claim 24 is patentable and non-obvious over the combination of *DeLuca*, *Zigmond* and *Goldschmidt*. Applicant respectfully submits that inasmuch as claims 28, 29 and 32-37 are dependent on claim 24, and claim 24 is patentable and non-obvious over the cited references, claims 28, 29 and 32-37 are patentable as dependent on a patentable independent claim.

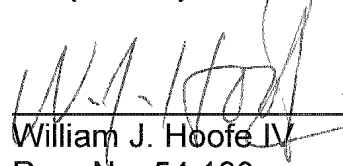
In view of the foregoing, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: May 23, 2007

  
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